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Hearing Date: July 17, 2014
Hearing Time: 10:00 AM (EST)
Objection Deadline: May 30, 2014

*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

**NOTICE OF TRUSTEE'S MOTION AND MEMORANDUM TO AFFIRM TRUSTEE'S
DETERMINATIONS DENYING CLAIMS OF CLAIMANTS WHO INVESTED IN THE
DAPREX, FELSEN, STERLING, OR ORTHOPAEDIC ERISA PLANS**

PLEASE TAKE NOTICE that Irving H. Picard, as trustee (“Trustee”) for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. § 78aaa *et seq.* (“SIPA”), and for the estate of Bernard L. Madoff (“Madoff”) (collectively, “Debtor”), by and through his undersigned counsel, respectfully moves pursuant to Trustee’s Motion And Memorandum To Affirm Trustee’s Determinations Denying Claims Of Claimants Who Invested In The Daprex, Felsen, Sterling, Or Orthopaedic ERISA Plans (the “Motion”), the declarations of David Sheehan and Vineet Sehgal, and the exhibits attached thereto, for an order affirming the Trustee’s denial of the claims of certain persons who were beneficiaries of or investors in certain benefit plans that had accounts with BLMIS, expunging such claims, and overruling certain objections to the Trustee’s determinations of claims related to those benefit plan accounts, on the grounds that the Claimants are not “customers” as such term is used at SIPA § 78III(2). No other basis for claim denial other than the “customer” issue will be dealt with in the current Motion.

PLEASE TAKE FURTHER NOTICE that written objections to the Motion and any opposing affidavits must be filed with the Clerk of the United States Bankruptcy Court, the Alexander Hamilton Customs House, One Bowling Green, New York, New York 10004 by no later than **4:00 p.m., on May 30, 2014** (with a courtesy copy delivered to the Chambers of the Honorable Stuart M. Bernstein) and must be served upon (a) Baker & Hostetler, LLP, counsel for the Trustee, 45 Rockefeller Plaza, New York, New York 10111, Attn: David J. Sheehan, Esq. and (b) the Securities Investor Protection Corporation, 805 Fifteenth Street, NW, Suite 800, Washington, DC 20005, Attn: Kevin H. Bell, Esq. and Christopher H. LaRosa, Esq. so as to be

received on or before May 30, 2014. Any objection must specifically state the interest that the objecting party has in these proceedings and the basis of the objection to the Motion.

PLEASE TAKE FURTHER NOTICE that the Court shall hold a hearing on this Motion on July 17, 2014, at 10:00 a.m. before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, at the United States Bankruptcy Court, the Alexander Hamilton Customs House, One Bowling Green, New York, New York 10004 or such other time as the Court determines.

PLEASE TAKE FURTHER NOTICE that Notice of the Motion and the Memorandum of Law in support of the Motion will be provided by U.S. Mail, postage prepaid or email to (i) claimants listed in Exhibit 2 annexed to the supporting Declaration of Vineet Sehgal; (ii) all parties included in the Master Service List as defined in the Order Establishing Notice Procedures (ECF No. 4560); (iii) all parties that have filed a notice of appearance in this case; (iv) the SEC; (v) the IRS; (vi) the United States Attorney for the Southern District of New York; and (vii) SIPC, pursuant to the Order Establishing Notice Procedures (ECF No. 4560). The Trustee submits that no other or further notice is required. In addition, the Trustee's pleadings filed in accordance with the schedule outlined above will be posted to the Trustee's website www.madofftrustee.com and are accessible, without charge, from that site. Exhibits 4 through 19 to the supporting Declaration of Vineet Sehgal, and Exhibits 1 through 6 to the supporting Declaration of David Sheehan, will be available for review upon written or telephonic request to Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, NY 10111, Attn: Bik Cheema, Esq., Tel: (212) 589-4613, Email: bcheema@bakerlaw.com.

Dated: New York, New York
April 30, 2014

/s/ David J. Sheehan
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